

REMARKS

By this Amendment, Applicants amend claims 1, 5, 6, 8, 14, and 16 and cancel claims 2, 11-13, 15, and 19-22, without any prejudice or disclaimer to the subject matter thereof. Claims 1, 3-10, 14, and 16-18 are currently pending.

In the Office Action, the Examiner objected to claims 5-10, 14, and 16-18 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims. The Examiner also objected to claim 20 because of an informality; rejected to claim 22 under 35 U.S.C. § 112, second paragraph, as indefinite; and rejected claims 1-4, 11-13, 15, and 19-22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0009705 to Thelander et al. ("Thelander").¹ Applicants respectfully traverse the Examiner's objections and rejections.

Regarding the Information Disclosure Statement

Applicants thank the Examiner for considering the Information Disclosure Statements filed on November 19, 2003, and March 31, 2006, and initialing the respective PTO-1449 and PTO/SB/08 forms. However, Applicants note that the Information Disclosure Statement (IDS) filed on March 16, 2005, was not considered and initialed. Applicants enclose copies of the IDS filed March 16, 2005, and the date-stamped postcard for its filing. Applicants respectfully request that the Examiner

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

consider the IDS filed on March 16, 2005, and indicate this consideration on the accompanying form PTO/SB/08.

Regarding the claim objections

Applicants thank the Examiner for pointing out allowable subject matter in claims 5-10, 14, and 16-18. Applicants respectfully traverse the Examiner's objection to claims 5-10, 14, and 16-18 as being dependent upon a rejected base claim. However, to expedite the prosecution of this application, Applicants have rewritten claims 5, 6, 8, 14, and 16 in independent form including all of the limitations of the base claim and any applicable intervening claims, as suggested by the Examiner.

Therefore, independent claims 5, 6, 8, 14, and 16 and dependent claims 7, 9, 10, 17, and 18 are allowable. Accordingly, Applicants respectfully request withdrawal of the objection to claims 5-10, 14, and 16-18.

Applicants also respectfully traverse the Examiner's objection to claim 20 as informal. However, because claim 20 has been canceled, the objection to claim 20 is moot.

Regarding the rejection under 35 U.S.C. § 112

Applicants respectfully traverse the Examiner's rejection of claim 22 under 35 U.S.C. § 112, second paragraph, as indefinite. However, because claim 22 has been canceled, the Section 112 rejection of claim 22 is moot.

Regarding the rejection under 35 U.S.C. § 102

Applicants respectfully traverse the Examiner's rejection of claims 1-4, 11-13, 15, and 19-22 under 35 U.S.C. § 102(e) as being anticipated by Thelander. Because

claims 2, 11-13, 15, and 19-22 have been canceled, the Section 102(e) rejection of claims 2, 11-13, 15, and 19-22 is moot.

In order to anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended, recites a combination including, for example, "a creation unit configured to create profiles, based upon inputs from a user of the apparatus, for managing system operating environment items." Thelander fails to disclose at least the above element as recited in amended claim 1.

Thelander discloses "a method and system for defining a schedule for implementing desired power settings or power states on a computer, and for enforcing the desired power settings or power states according to the schedule." Thelander, para. [0007]. Further, Thelander "allows a user to designate various power settings for controlling the power consumption-related characteristics of the computer. For example, the power settings will typically include a time period of inactivity after which the computer will enter a reduced power state, such as the standby or hibernate state, and a time period of inactivity after which the computer enters the off power state." Thelander, para. [0032], emphasis added. However, Thelander's teaching of designating various time periods of inactivity does not constitute "a creation unit configured to create profiles, based upon inputs from a user of the apparatus, for

managing system operating environment items," as recited in amended claim 1 (emphasis added).

Therefore, Thelander fails to teach each and every element of amended claim 1. Thelander thus cannot anticipate claim 1 under 35 U.S.C. § 102(e). Accordingly, Applicants respectfully request withdrawal of the Section 102(e) rejection of claim 1. Because claims 3 and 4 depend from claim 1, Applicants also request withdrawal of the Section 102(e) rejection of claims 3 and 4.

Conclusion


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: August 11, 2006

By: 
Wenye Tan
Reg. No. 55,662

Attachments: Copy of IDS filed March 16, 2005, and
date-stamped postcard for filing of same